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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

100 F Street, N.E.
Washington, DC 20549-5971

DIVISION OF
ENFORCEMENT

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January 9, 2020

BY ECF and FAX

Honorable Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: SEC v. Kik Interactive Inc., Case No. 1:19-cv-5244 (AKH) (S.D.N.Y.)

Dear Judge Hellerstein:

I write to seek the Court's approval of a case schedule that both parties have agreed upon. In an order dated November 26, 2019 (ECF 41), the Court ordered: "The parties shall endeavor to agree to a stipulation setting a deadline for the end of fact discovery (previously scheduled to be completed by January 8, 2020, ECF No. 37), sequence of expert discovery, and a briefing schedule for summary judgment." In response to this order, the parties hereby stipulate to the following schedule:

1. Close of Fact Discovery (all Depositions Completed): January 28, 2020
2. Simultaneous Exchange of Expert Reports: February 28, 2020
3. Simultaneous Exchange of Rebuttal Reports: March 24, 2020
4. Close of Expert Discovery (all Expert Depositions Completed): April 17, 2020
5. Deadline for Motions for Summary Judgment and *Daubert* Motions: May 8, 2020
6. Memoranda in Opposition: June 3, 2020
7. Reply Briefs: June 19, 2020
8. Trial: to be ordered by the Court on determination of the matter.

The parties report that as of January 9, 2020, they will have taken a total of 11 depositions in the case, and a twelfth deposition has been scheduled for January 28, 2020. The parties further note that three additional depositions – including two witnesses sought by Kik and

1. So Ordered.
2. The states conf. set for 1/14/2020 is canceled.
Alvin K. Hellerstein

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a Rule 30(b)(6) deposition of Kik sought by the SEC (and objected to by Kik) – have not yet been scheduled. The parties plan to present a joint letter brief to the Court on the Rule 30(b)(6) issue within a week, and, if the Court allows the deposition, the parties will attempt to schedule this deposition, along with the other two depositions, by the above-proposed fact discovery deadline of January 28, 2020. If the parties are unable to meet this deadline, they will request further relief from the Court regarding the case schedule as appropriate.

Separately, Kik requests that the Court set a trial date. The SEC takes no position on whether setting a trial date would be helpful at this stage and submits that the matter can and should be resolved by dispositive motion.

Finally, the parties seek the Court's instruction as to whether the next status conference, currently scheduled for January 14, 2020 at 2:30 pm, should proceed. Given the above agreement and status report, the parties do not currently have any issues to present to the Court.

Sincerely yours,

/s/ David Mendel

David Mendel
Assistant Chief Litigation Counsel
Division of Enforcement

Cc: All Counsel of Record (by ECF)